

## **RESOLUTION NO. 21-01**

### **A RESOLUTION TO ESTABLISH A SIX-WEEK MORATORIUM ON ENFORCEMENT ON THE PROHIBITION UNDER TOWN CODE SECTION 155-43D FOR A SINGLE “FEATHER” SIGN FOR PROPERTIES ZONED AND USED COMMERCIALY IN THE TOWN OF MILLVILLE.**

**WHEREAS**, the Town Council of Millville has the power to adopt ordinances in the interest of good government and the safety, health, and public welfare of the Town, its inhabitants and affairs, including to provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants; and

**WHEREAS**, pursuant to the authority in Title 22, Section 301 of the Delaware Code, the Town Council of Millville may regulate the height, number of stories and size of buildings and other structures, percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, for the purpose of promoting health, safety, morals or the general welfare of the community; and

**WHEREAS**, the Town of Millville has adopted a Zoning Ordinance for the municipality, which has been codified in Chapter 155 of the Town Code; and

**WHEREAS**, Section 155-43D of the Millville Town Code currently prohibits “[p]ennants, banners, streamers and all other fluttering, spinning or similar type signs and advertising devices with the exception of a flag no larger than three (3) feet by five (5) feet, mounted on a pole, attached to the front facade of the business or organization, and displayed only when the on-premises business or organization is open to the public,” with each business or organization being allotted one flag (except for national flags or flags of political subdivisions or the United States or the State of Delaware); and

**WHEREAS**, the Town Council may from time to time amend, supplement, or change the regulations and restrictions established by this Ordinance; and

**WHEREAS**, Title 22, Section 304 of the Delaware Code, the Town Council shall provide for the manner in which the zoning regulations and restrictions and the boundaries of the districts shall be determined, established and enforced; and

**WHEREAS**, in the Executive Order first issued March 13, 2020 and since modified, Governor Carney declared a State of Emergency in light of the COVID-19 pandemic and identified certain services as “essential businesses”; and

**WHEREAS**, the Town Council seeks to recognize those hardworking, dedicated members, employees, workers, and owners of such essential services;

**NOW, BE IT THEREFORE RESOLVED**, by the Town Council for the Town of Millville, Sussex County, Delaware, having duly met and a majority thereof concurring herein, that for a six-week period, commencing on May 7, 2020 and concluding on June 18, 2020, in addition to the flags permitted under 155-43D of the Millville Town Code, each business or organization that is currently open under the aforementioned Executive Order and is in a commercial district shall be entitled to display one (1) on-premises “feather” flag, which need not be mounted on a pole attached to the front façade and need not be only displayed while the business or organization is open to the public, provided that the “feather” flag complies with all other regulations and restrictions applicable to signage.

**BE IT FURTHER RESOLVED**, that the Town Council places a moratorium on enforcement of the aforementioned Town Code provision through June 18, 2020, for any “feather” flag that meets the aforementioned criteria.

**BE IT FURTHER RESOLVED**, that the Town of Millville places extends its sincere gratitude to the members, employees, workers, and owners of essential services for their courage and dedication in this difficult time.

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

**SEAL:**

\_\_\_\_\_  
**STEVE MANERI, MAYOR**

**ATTESTED:**

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**BARBARA RYER, SECRETARY**

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**SYNOPSIS**

The Resolution creates a 6-week period of time during which commercially-zoned businesses and organizations can display a “feather” flag. This affords the opportunity for the public to recognize the businesses that are open during the COVID-19 pandemic due to their status as “essential businesses” under Governor Carney’s Executive Order, as amended. The “feather” flags will need to be removed by the end of June 18, 2020.